

In the Claims:

Please cancel Claims 19-26, 28 and 29, without prejudice, and amend Claims 1, 3-4, 10, 12 and 30 as indicated below. The status of all pending claims is as follows:

1 (Currently Amended) A measuring guide for assisting in locating a prosthetic device during an orthopedic procedure, comprising:

- a marking guide adapted to facilitate marking of a bone tissue at a desired location;
- a stop plate;
- ~~a ruler-~~ ruler, including a top, a bottom and two sides, the ruler being coupled to the marking guide and to the stop plate, and the ruler indicating the distance between the marking guide and the stop plate; plate, wherein the stop plate includes an abutment surface, configured to abut a bone, and further wherein the abutment surface is positioned on both sides of the ruler; and
- a locking mechanism that cooperates with the ruler to permit selective adjustment of the distance between the marking guide and the stop plate by moving the stop plate with respect to the ruler, wherein the marking guide and the stop plate are utilized in a manner noninvasive to the bone tissue, and further wherein the stop plate is pivotably coupled to the locking mechanism to permit positioning of the stop plate at desired angles with respect to the ruler.

2. (Cancelled)

3. (Currently Amended) The measuring guide as recited in claim 1, wherein the abutment surface of the stop plate is configured to abut the distal femoral condyles.

4. (Currently Amended) The measuring guide as recited in claim 1, wherein the abutment surface of the stop plate is configured to abut the proximal end of a tibia.

5. (Previously Presented) The measuring guide as recited in claim 1, wherein the stop plate is adapted to be locked at desired angles with respect to the ruler.

6. (Previously Presented) The measuring guide as recited in claim 5, wherein the desired angles are approximately 84°, 90°, and 96°.

7. (Original) The measuring guide as recited in claim 1, wherein the locking mechanism comprises an opening through which the ruler is received and a release mechanism to selectively release the ruler for sliding movement through the opening.

8. (Original) The measuring guide as recited in claim 7, wherein the ruler comprises a flat side and a series of periodic grooves, and the release mechanism comprises at least one corresponding protrusion to engage selected grooves of the series of periodic grooves.

9. (Original) The measuring guide as recited in claim 8, further comprising a handle coupled to the locking mechanism and a lever coupled to the release mechanism to permit selective engagement and disengagement of the release mechanism and the ruler.

10. (Currently Amended) A measuring guide for noninvasive measurement of bone tissue during an orthopedic procedure, comprising:

a noninvasive marking guide;

a ruler coupled to the marking ~~guide~~; guide, the ruler defining a longitudinal axis;

a noninvasive stop plate coupled to the ruler, the noninvasive stop plate being pivotable, with respect to a pivot point on the ruler, to facilitate transverse placement, with respect to the ruler, of an abutment surface of the stop plate against an end surface of a ~~bone~~; bone, wherein the abutment surface is generally symmetric with respect to both sides of the longitudinal axis defined by the ruler; and

a locking mechanism that permits selective adjustment of the distance between the noninvasive marking guide and the noninvasive stop plate,

wherein the ruler indicates the distance between the noninvasive marking guide and the noninvasive stop plate.

11. (Cancelled)

12. (Currently Amended)     ~~The measuring guide as recited in claim 11;~~ A measuring guide for noninvasive measurement of bone tissue during an orthopedic procedure, comprising:

a noninvasive marking guide;

a ruler coupled to the marking guide;

a noninvasive stop plate coupled to the ruler, the noninvasive stop plate being pivotable, with respect to a pivot point on the ruler, to facilitate transverse placement, with respect to the ruler, against an end surface of a bone; and

a locking mechanism that permits selective adjustment of the distance between the noninvasive marking guide and the noninvasive stop plate,

wherein the ruler indicates the distance between the noninvasive marking guide and the noninvasive stop plate,

wherein the locking mechanism comprises:

a block having an opening slidably receiving the ruler; and

a spring-loaded release mechanism biased toward engagement with the ruler to lock the ruler at a desired location with respect to the block.

13. (Original) The measuring guide as recited in claim 12, wherein the noninvasive stop plate is pivotably mounted to the block.

14. (Original) The measuring guide as recited in claim 13, further comprising a handle coupled to the block, wherein the handle is adjustable to selectively lock the noninvasive stop plate at a desired angle with respect to the ruler.

15. (Original) The measuring guide as recited in claim 12, further comprising a lever coupled to the release mechanism to permit selective disengagement of the release mechanism from the ruler.

16. (Previously Presented) The measuring guide as recited in claim 10, wherein the stop plate is configured to abut the distal femoral condyles.

17. (Previously Presented) The measuring guide as recited in claim 10, wherein the stop plate is configured to abut the proximal end of the tibia.

18. (Previously Presented) The measuring guide as recited in claim 10, wherein the noninvasive stop plate is selectively lockable at angles of approximately 84°, 90° and 96° relative to the ruler.

19-29. (Cancelled)

30. (Currently Amended) A system for utilizing a measuring device to facilitate an orthopedic procedure, comprising:

means for abutting an end of a desired bone member;

means for guiding the marking of the desired bone member without invading bone tissue;

a ruler extending in a longitudinal direction and connected to both the means for abutting and the means for guiding, the ruler indicating the distance between the means for abutting and the means for guiding; and

means for controlling the distance between the end of the desired bone member and a location to be marked by moving the means for abutting with respect to the ruler,

wherein the means for abutting comprises a pivotable stop ~~plate~~; plate with an abutment surface, configured to abut a bone, wherein the abutment surface is located on both sides of the ruler in a plane that is generally transverse to the longitudinal direction of the ruler.

31. (Cancelled)

32. (Previously Presented) The system as recited in claim 30, wherein the means for guiding comprises a marking guide configured to abut a side of the desired bone member.

33. (Original) The system as recited in claim 30, wherein the means for controlling comprises:

a block through which a ruler is slidably received; and  
a release mechanism to releasably couple the block and the ruler.

34. (Previously Presented) The measuring guide as recited in claim 1, wherein said locking mechanism includes an opening, and said ruler is configured to slide within said opening.

35. (Previously Presented) The measuring guide as recited in claim 10, wherein said locking mechanism includes an opening, and said ruler is configured to slide within said opening.

36. (Previously Presented) The measuring guide as recited in claim 1, wherein said ruler is a rigid member that extends the full length between the marking guide and the stop plate and said ruler includes a series of markings to indicate the distance between the marking guide and the stop plate, and further wherein when the stop plate is moved along the ruler towards the marking guide, the distance between the stop plate and the marking guide decreases.

37. (Previously Presented) The measuring guide as recited in claim 1, wherein said ruler is a rigid member that extends the full length between the marking guide and the stop plate.

38. (Previously Presented) The measuring guide as recited in claim 10, wherein said ruler is a rigid member that extends the full length between the marking guide and the stop plate.